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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,786

10/18/2005

Norbert Habacker

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30008 7590 02/19/2008

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

02/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,786	<b>Applicant(s)</b> HABACKER, NORBERT	
	<b>Examiner</b> Hilary Gutman	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/05</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 18-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In claim 18, line 16 recites the counter member “engages” which is awkward and unclear since no distinct article follows to indicate to what the counter member engages.

4. Claims 22-34 all recite the limitation "A locking device" in line 1. There is insufficient antecedent basis for this limitation in the claims.

5. Claim 22 recites the following limitations: "a backbow" in line 2, “a top compartment lid” in line 2, “a connecting member” in line 4, “a counter member” in line 4, “a through opening” in line 5, “at least two support legs” in line 6, “the at least two support legs” in line 7, “a receiving slot” in line 7, “the counter member” in line 8, and "the receiving slot" in lines 8-9. There is insufficient antecedent basis for these limitations in the claim.

6. In claim 22, line 8 recites the counter member “engages” which is awkward and unclear since no distinct article follows to indicate to what the counter member engages.

7. Claim 23 recites the limitations "the at least two support legs" in lines 1-2, and “the counter member” in lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

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8. Claim 24 recites the limitation "the support legs" in line 1 and "the counter emmber" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 25 recites the limitation "the support legs" in line 1. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 26 recites the limitation "the support legs" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 27 recites the limitation "the counter member" in line 1, "a through opening" in line 3. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 28 recites the limitation "two flap parts" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 29 recites the following limitations "the two flap parts" in line 1, "the counter member" in line 2, "the support legs" in line 4, and "the back bow" in line 4. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 30 recites the limitation "the two flap parts" in line 1, and "the counter member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 31 recites the limitation "the two flap parts" in lines 1 and 2-3. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 32 recites the limitation "the two flap parts" in lines 1-2 and 3. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 33 recites the limitation "the two flap parts" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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18. Claim 34 recites the limitation "the two flap parts" in line 1 and 3. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

19. Claims 18-34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilary Gutman/  
Primary Examiner, Art Unit 3612